

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANN BURTON,

Plaintiff,

-against-

CIVIL COURT OF THE CITY OF NEW YORK, *et al.*,

Defendants.
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TOWNES, United States District Judge:

In November 2011, plaintiff Ann Burton, proceeding *pro se*, commenced this action against the Civil Court of the City of New York ("Civil Court"); a court clerk, Dorothy Doe; and five New York State Court Officers, alleging violations of her rights under the First, Fourth, and Fourteenth Amendments of the United States Constitution. In a Memorandum and Order dated December 6, 2011 (the "Prior M&O"), this Court granted plaintiff permission to proceed *in forma pauperis*, but dismissed plaintiff's claims against the Civil Court, Officer #6925, and Officer John Doe, as well as plaintiff's official-capacity claims against the remaining defendants. The Court directed plaintiff to file an amended complaint within 30 days clarifying plaintiff's individual-capacity claims against defendants Dorothy Doe, Officer Laura #3604, Major Lowe, and Lieutenant Daly.

In a letter dated January 6, 2012, which purports to pertain to all of plaintiff's pending cases, plaintiff makes several applications regarding this case. Construed liberally, plaintiff principally seeks (1) an extension of time in which to file the amended complaint and (2) an order directing Corporation Counsel to assist her in identifying Officer #6925 and Officer John

FILED
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US DISTRICT COURT E.D.N.Y.
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BROOKLYN OFFICE

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ORDER

11-CV-5606 (SLT) (LB)

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Doe. Plaintiff also objects to the Prior M&O, alleging that “it is misconstruing plaintiff’s complaint and fails to do justice.” Letter to Hon. Bloom/Townes/Amon from Ann Burton dated Jan. 6, 2012, at 4. However, the letter offers only one example of an instance in which the Court allegedly misconstrued plaintiff’s complaint, representing that the Prior M&O states that Plaintiff “vouchered” the Sharpie marker when, in reality, she unsuccessfully attempted to do so in order to document the destruction of the marker by Major Lowe. *Id.* In addition, plaintiff alleges that the Court failed to provide a “legal reason or Rule for dismissal Ordered on pg 1.” *Id.* at 3.

Having reviewed the Prior M&O and fully considered plaintiff’s applications, it is hereby

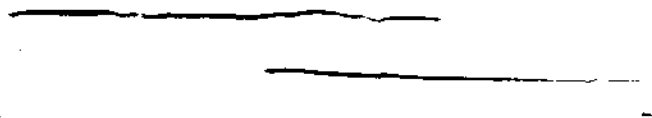
ORDERED that plaintiff’s time to file the amended complaint is extended to February 17, 2012;

ORDERED that plaintiff’s request for an order directing Corporation Counsel to assist her in identifying Officers #6925 and John Doe is denied, since plaintiff’s claims against these two defendants were dismissed in the Prior M&O; and

ORDERED that those objections to the Prior M&O which are articulated with any specificity in plaintiff’s letter dated January 6, 2012, are without merit. The Prior M&O did not state that plaintiff succeeded in “vouchering” the marker. To the contrary, the Prior M&O states that plaintiff attempted to enter the Courthouse with a black Sharpie marker, but was told by defendant Lowe that she could not bring the marker into the Courthouse. Prior M&O at 3. The Prior M&O further states that after plaintiff “disassembled” the marker, defendant Lowe not only refused to voucher it but was directed by defendant Lieutenant Daly to discard it. *Id.* at 3-4. In addition, while the Court’s reasons for dismissing plaintiff’s claims against the Civil Court, Officer #6925,

and Officer John Doe, and plaintiff's official-capacity claims against the remaining defendants are not discussed on page 1 of the Prior M&O, they are discussed in detail on subsequent pages of the Prior M&O.

SO ORDERED.


SANDRA L. TOWNES
United States District Judge

Dated: January 18, 2012
Brooklyn, New York